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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,743	03/21/2006	Hiroyuki Kikkoji	279200US6PCT	4747
22850	7590	10/09/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER QUADER, FAZLUL	
			ART UNIT 2169	PAPER NUMBER
			NOTIFICATION DATE 10/09/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/572,743

Applicant(s)

KIKKOJI ET AL.

Examiner

Fazlul Quader

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2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 06/21/2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-9 are pending in this application.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. As to claim 9, the claim is rejected for being software, per se. "A program that makes a computer execute" is software and software is not patentable unless it is stored on a hardware/medium.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (US 20020010740), hereinafter "Kikuchi", in view of Asahi et al. (US 20020114455), hereinafter "Asahi".

7. As to claim 1, Kikuchi discloses, a communication apparatus that retrieves contents and provides thus retrieved contents, comprising: reception means for receiving a retrieval keyword that requests contents from an external device ([0086], lines 1-4); retrieval means for retrieving contents from a database based on the retrieval keyword received by the reception means ([0085], lines 18-22); page information generation means for generating page information including list information of contents retrieved by the retrieval means (abs., lines 1-2), and transmission means for transmitting the page information generated by the page information generation means to the external device (abs., lines 2-3; [0013], lines 1-11).

Kikuchi, however, does not explicitly disclose, "appending information" and "consecutive reproduction function".

Asahi, on the other hand, discloses "appending information" that displays whether or not the page information is provided with a "consecutive reproduction function" of making the external device consecutively reproduce part of contents

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included in the list information respectively to the page information ([0027], lines 1-17, "successive copy");

Both Kikuchi and Asahi are of the same field of endeavor, they specifically teach distribution, display and reproduction of digital content (Kikuchi: abs., lines 2-3; Asahi: [0007], lines 1-9).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Asahi into Kikuchi of content distribution system and method that would have allowed users of Kikuchi to successively copy encoded digital content (Asahi: [0027], lines 5-6).

8. As to claim 8, Kikuchi discloses, a communication method for retrieving contents and providing thus retrieved contents ([0086], lines 1-4), comprising: receiving a retrieval keyword that requests contents from an external device; retrieving contents from a database based on the received retrieval keyword ([0085], lines 18-22); generating page information including list information of retrieved contents (abs., lines 1-2), and transmitting the generated page information to the external device (abs., lines 2-3; [0013], lines 1-11).

Kikuchi, however, does not explicitly disclose, "appending information" and "consecutive reproduction function".

Asahi, on the other hand, discloses "appending information" that displays whether or not the page information is provided with a "consecutive reproduction function" of making the external device consecutively reproduce part of contents included in the list information respectively to the page information ([0027], lines 1-17, "successive copy");

Both Kikuchi and Asahi are of the same field of endeavor, they specifically teach distribution, display and reproduction of digital content (Kikuchi: abs., lines 2-3; Asahi: [0007], lines 1-9).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Asahi into Kikuchi of content distribution system and method that would have allowed users of Kikuchi to successively copy encoded digital content (Asahi: [0027], lines 5-6).

9. As to claim 9, Kikuchi discloses, a communication program that makes a computer execute the processing of retrieving contents and providing thus retrieved contents ([0086], lines 1-4), the computer executing the processing comprising: receiving a retrieval keyword that requests contents from an external device; retrieving contents from a database based on the received retrieval keyword ([0085], lines 18-22); generating page information including list information of retrieved contents (abs., lines

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1-2), and transmitting the generated page information to the external device (abs., lines 2-3; [0013], lines 1-11)

Kikuchi, however, does not explicitly disclose, "appending information" and "consecutive reproduction function".

Asahi, on the other hand, discloses "appending information" that displays whether or not the page information is provided with a "consecutive reproduction function" of making the external device consecutively reproduce part of contents included in the list information respectively to the page information ([0027], lines 1-17, "successive copy");

Both Kikuchi and Asahi are of the same field of endeavor, they specifically teach distribution, display and reproduction of digital content (Kikuchi: abs., lines 2-3; Asahi: [0007], lines 1-9).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Asahi into Kikuchi of content distribution system and method that would have allowed users of Kikuchi to successively copy encoded digital content (Asahi: [0027], lines 5-6).

10. As to claim 2, Kikuchi as modified discloses, the communication apparatus

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according to claim 1, wherein, during a period of time when respective items in the list information are selected in turn, and part of contents related to the selected items is transmitted to the external device for reproduction respectively (Kikuchi: [0012], lines 1-5), the page information generation means appends information displaying that the part of contents is being consecutively reproduced respectively to the page information (Kikuchi: [0011], lines 1-10; [0012], lines 1-5; [0013], lines 1-11).

11. As to claim 3, Kikuchi as modified discloses, the communication apparatus according to claim 1, wherein, when transmitting all items in the list information to the external device for reproduction is completed, the page information generation means appends information displaying that the consecutive reproduction is completed to the page information (Kikuchi: [0013], lines 1-11; [0181], lines 1-9);

12. As to claim 4, the claim is rejected for the same reason as claim 1. In addition, Kikuchi as modified discloses, the communication apparatus according to claim 1, wherein, in case the page information displaying the list information of contents including those retrieved by the retrieval means is generated (Kikuchi: [0013], lines 1-5).

13. As to claim 5, Kikuchi as modified discloses, the communication apparatus according to claim 1, wherein, in case the page information displaying a table of the list information is generated as the retrieval result of the retrieval means, the page information generation means appends information that displays whether or not the list



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information in the table is provided with the consecutive reproduction function respectively (Kikuchi: [0148], lines 1-11).

14. As to claim 6, the claim is rejected for the same reason as claim 1. In addition, Kikuchi as modified discloses, the external device display a notification indication corresponding to the identification information (Kikuchi: [00138], lines 1-5, "prompt message").

15. As to claim 7, Kikuchi as modified discloses, the communication apparatus according to claim 1, wherein the contents are tunes ([0087], lines 24-25, "music data"), and, at the time of carrying out the consecutive reproduction function, audio data corresponding to part of the contents is consecutively transmitted to the external device (Kikuchi: [0087], lines 1-28).

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ukita et al. (US 20020064096) teach reproduction apparatus and reproduction method.

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Lida (US 20010044838) teaches information distribution method

Leem (US 20040044473) teaches on demand contents providing method and system.

Abe et al. (US 20020123990) teach apparatus and method for processing information, information system, and storage medium

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**Contact Information**

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fazlul Quader whose telephone number is 571-270-1905. The examiner can normally be reached on M-F 8-5 Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on 571-272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fazlul Quader  
Examiner  
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